HON'BLE SRI JUSTICE N.V. RAMANA

W.P.No.4580 of 1999

Dated **7th November** 2007

Between:

K.Raju

……Petitioner

and

State of Anhdra Pradesh,
rep.by its Secretary, Higher Education
Department, Secretariat buildings,
Hyderabad and others.

……..Respondents.

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ORDER:

This writ petition is filed seeking a Mandamus declaring the proceeding in Rc.No.785/PC.IV_2/98 dated 4.1.1999, issued by respondent No.2, promoting respondent No.4 as Record Assistant, as illegal and arbitrary and consequently direct respondent Nos.1 to 3 to promote the petitioner as Record Assistant against grant-in-aid vacancy in respondent No.3-College.

The petitioner was appointed as Attender in respondent No.3-College in grant-in-aid vacancy on 1-7-1977 and working as such since then. The petitioner states that he passed

6th Class, and he is eligible and qualified for promotion to the post of Record Assistant. The grievance of the petitioner is that though he is eligible and qualified for promotion to the post of Record Assistant, respondent No.3, ignoring his seniority for promotion to the post of

Record Assistant from the cadre of Attender, and by adopting pick and choose method, promoted respondent No.4 as Record Assistant, and based on the letter dated 28.10.1998 addressed by respondent No.3, the said promotion was approved by respondent No.2, vide impugned proceedings, which is contrary to the Rules.

A counter affidavit is filed on behalf of respondent Nos.1 and 2 denying the allegations made by the petitioner and *inter alia* stating that as per G.O. Ms. No. 965, GAD, dated 21.10.1995, the minimum qualification required for the post of Record Assistant is S.S.C., or its equivalent, whereas the petitioner is having only 6th Class qualification. It is stated that though the petitioner is senior to respondent No.4, since the petitioner does not possess the requisite qualification i.e., S.S.C., he is not eligible for promotion to the post of Record Assistant. It is further stated that keeping in view the qualifications prescribed in G.O. Ms. No.965, dated 21.10.1995, respondent No.4 was promoted as Record Assistant, and no exception can be taken thereto.

Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education appearing on behalf of respondent Nos.1 to 3.

Admittedly, the petitioner possesses only 6th Class qualification. Though the petitioner contends that he is

eligible and qualified for promotion to the post of Record Assistant, the fact remains as per G.O. Ms. No. 965, GAD, dated 21.10.1995, the minimum qualification required for the post of Record Assistant is S.S.C., or its equivalent. Since the petitioner does not possess the required qualification for promotion to the post of Record Assistant, keeping in view the qualifications prescribed in G.O. Ms. No.965, dated 21.10.1995, respondent No.4 was promoted as Record Assistant, and no exception can be taken thereto.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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(N.V. RAMANA, J)

Dt.07-11-2007
MRB